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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/614,387

07/07/2003

William C. Maloney

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09/15/2004

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EXAMINER

TRIEU, VAN THANH

ART UNIT

PAPER NUMBER

2636

DATE MAILED: 09/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/614,387

Applicant(s)

MALONEY, WILLIAM C.

Examiner

Van T Trieu

Art Unit

2636

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>8/15/03; 10/14/03; 3/4/04 & 7/12/04</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: in the specification, page 1, line 18, after the phrase "application" insert

--- is a continued in part of U.S. Application No. 10/074,163 filed on 12 December 2002, now abandoned, which is a continuation of U.S. Application No. 09/974,158 filed on 09 October 2001, now U.S. Patent No. 6,424,260, which is a continuation of U.S. Application No. 09/782,070 filed on 12 February 2001, now U.S. Patent No. 6,392,543, which 204,764, which is a continuation of U.S. Application No. 09/392,175 filed on 09 September 1999, now U.S. Patent No. 6,232,876, ---- .

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by **Pires et al** [US 6,131,808].

Regarding claim 1, the claimed portable object tracking system for tracking use of individual objects within a group of objects removed as a set (the storage system and

Art Unit: 2636

identification device 1 for tracking group of objects/keys 4, see Fig. 1, abstract), and the system comprising: a system controller for monitoring and recording usage information for the objects (the storage system and identification device 1 includes microprocessors U1, U2, U15 and U16 are operating to select one of the identification device 2 associated with stored code in memory 53 through the respected receptacle 7 and contact strips 38, and to determine the position, removal and/or return of the identification devices 2 from/to the storage system 1, see Figs. 20, 36-48, col. 2, lines 23-47, col. 6, lines 56-67 and col. 7, lines 1-53 and col. 8, lines 1-53); and the at least one portable object carrier having a series of object holders mounted thereon for receiving and releasable mounting each of the objects of the set of objects to be tracked on said object carrier and a communication link communicating with each said object holder (the plurality of receptacles 7 for receiving and communicating with the plurality of identification devices or object holders 2 or 49 to be selectively removed from or returned to the storage system 1, see Fig. 1-13, col. 2, lines 4-15, col. 3, lines 45-54, col. 4, lines 4, lines 38-67 and col. 5, lines 1-7); and an identifier associated with each object received in said object holders for detecting placement and removal of objects within said object holders (the identification devices or object holders 2 or 49 transmitting ID code in the touch memory 53 to the storage system 1 via contact strips or sensor 8 for determining of the removal or return of the identification devices 2, see Figs. 1-18, col. 2, lines 4-20, col. 4, lines 54-67 and col. 5, lines 27-64).

Art Unit: 2636

Regarding claim 2, all the claimed subject matters are cited in respect to claim 1 above, and including the storage unit (the identifier device or object holder 2 for attaching or storing of objects/keys 4, see Fig. 1).

Regarding claim 3, all the claimed subject matters are cited in respect to claim 1 above, and including the support bracket (the identification devices or object holders 2 or 49 includes a touch memory 53 contacted with contact strips or sensor 8 for determining of the removal or return of the identification devices 2, see Figs. 1-18, col. 2, lines 4-20, col. 4, lines 54-67 and col. 5, lines 27-64).

Regarding claim 4, all the claimed subject matters are cited in respect to claim 1 above, and including the body through which the data line is extended, a controller linked to the data line (the system 1 includes microprocessors or micro-controllers communicating or linking information data to each of the ID or object holders 2 via wires/cables or contacts, see Figs. 1, 5 and 20-27, see col. 2, lines 4-48, col. 6, lines 38-67, col. 7, lines 1-67 and col. 8, lines 1-53).

Regarding claim 5, all the claimed subject matters are cited in respect to claim 1 above, and including the door 8, see Fig. 1.

Regarding claim 7, all the claimed subject matters are cited in respect to claim 1 above, and including the touch memory having a timer and memory for registering a period of

Art Unit: 2636

time, which reads upon the touch electronic memory device 53 in the identifier device or object holder 2 to automatically release for a predetermined period of time such as 20 seconds, see Figs. 9-13, col. 4, lines 29-37 and col. 5, lines 27-64).

Regarding claim 8, the method claimed limitations are met by the apparatus claim 1 above.

Regarding claim 9, all the claimed subject matters are cited in respect to claims 7 and 8 above.

Regarding claim 10, all the claimed subject matters are cited in respect to claim 8 above, and including detecting the removal of a security ID strap from each individual object (the system 1 detects removal of the identification devices or object holders 2 via the sensing memory 53, see Figs. 1 and 5-19).

Regarding claim 11, all the claimed subject matters are cited in respect to claim 8 above.

Regarding claim 12, all the claimed subject matters are cited in respect to claim 8 above.

Art Unit: 2636

Regarding claim 14, all the claimed subject matters are cited in respect to claim 1 above.

Regarding claim 15, all the claimed subject matters are cited in respect to claim 14 above, see Figs. 1 and 19.

Regarding claim 17, all the claimed subject matters are cited in respect to claims 14 and 15 above.

Regarding claim 18, all the claimed subject matters are cited in respect to claims 7 and 14 above, see col. 2, lines 4-48.

Regarding claim 19, all the claimed subject matters are cited in respect to claims 4 and 14 above.

Regarding claim 20, all the claimed subject matters are cited in respect to claims 3 and 14 above.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

Art Unit: 2636

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 6, 13 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Pires et al** [US 6,131,808] in view of **Frederick** [US 6,788,997].

Regarding claim 16, **Pires et al** fails to disclose the security ID strap includes a bar code for identifying the individual object secured to each identification tag. However, **Pires et al** teaches that the sensing touch memory 53 is attached to the identifier device or key holder 58 includes opening 60 for the touch memory 53 rotating and contacting with the strips 38 when the key holders 49 or 58 is inserting into the station 6 or receptacle 7, see Figs. 1 and 9-18, col. 5, lines 54-64 and col. 6, lines 35-37. **Frederick** teaches that the electronic reading device 348 connects to the system by wireless communication methods, such as IR or RF, for reading each of the boxes, compartments 26, containers or drawers 62, which include labels, bar codes, identification cards or badges to store identification data of each medical and its locations, see Figs. 39-49, col. 4, lines 23-52, col. 8, lines 44-64, col. 9, lines 1-27, col. 24, lines 8-18, col. 42, lines 13-30, col. 50, lines 56-67, col. 53, lines 32-37, col. 61, lines 18-27 and col. 66, lines 34-41. Therefore, it would have been obvious to one skill in the art at the time the invention was made to substitute the label or bar code of **Frederick** for the touch sensing memory of **Pires et al** since both are designed to store information data related to that object or item to be monitored and tracked.

Regarding claim 6, **Pires et al** fails to disclose the sensor mounted to the object being tracked includes a reflector applied to the object. However, according to the

Art Unit: 2636

combination of the bar code or label between **Pires et al** and Frederick in respect of claim 16 above, wherein the label is a paper/plastic containing information data to be scanned/read by the system. Therefore, it would have been obvious to one skill in the art to recognize that the bar code label is functionally equivalent to the claimed reflector applied to the object since the information data on the bar code are reflected to the reader or scanner for receiving the information from the monitored objects or items.

Regarding claim 13, all the claimed subject matters are discussed in respect to claims 6, 8 and 16 above.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Morello et al discloses an apparatus for dispensing and returning reusable articles each identifiable with its own ID. [US 4,967,906] and [US 4,896,024]

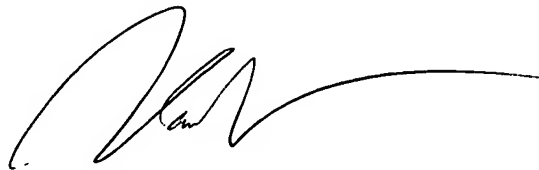
Highham et al discloses a method for dispensing medical supply or pharmaceutical items comprising a processor, a cabinet having a plurality of drawers, which includes a plurality of pins for holding medical items. The medical items are monitoring and tracking. [US 5,905,653] and [US 5,745,366]

5. Any inquiry concerning this communication or earlier communications from examiner should be directed to primary examiner **Van Trieu** whose telephone number

Art Unit: 2636

is (571) 272-2972. The examiner can normally be reached on Mon-Fri from 7:00 AM to 3:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. **Jeffery Hofsass** can be reached on (571) 272-2981.

A handwritten signature in black ink, appearing to read 'Van Trieu', with a long horizontal flourish extending to the right.

Van Trieu
Primary Examiner
Date: 9/10/04